



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during February 2010
(& Supplement for January 2010)
DISTRIBUTED: March 30, 2010

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Hazardous Waste:

Keystone Automotive Industries, Inc., Portland, Maine. Keystone Automotive Industries, Inc. ("Keystone") violated provisions of the Department's rules concerning *Standards for Generators of Hazardous Waste* by: failing to determine if wastes generated were hazardous; failing to mark containers of hazardous waste with the words "Hazardous Waste" and mark the accumulation start date on each container of hazardous waste; failing to use containers that are in good condition and which are not leaking; disposing of hazardous waste in an on-site dumpster without a license to do so; and offering hazardous waste to a transporter or a waste facility not authorized or licensed to accept or handle hazardous waste. In addition, Keystone violated provisions of the Department's rules concerning *Identification of Hazardous Wastes* by failing to: store universal waste lamps in containers that are closed, sealed, and structurally sound; designate a waste lamp storage area with a clearly marked sign which states "Waste Lamp Storage" or "Universal Hazardous Waste Storage"; mark containers of universal waste lamps with the words "Waste Lamps"; mark containers of universal waste lamps with an accumulation start date; keep universal waste lamps whole, intact and unbroken; and failing to retain Universal Waste Certificates of Recycling or receipts from a central accumulation or consolidation facility to document proper recycling of universal waste lamps. Following Department involvement, Keystone advised the Department that it had taken the following actions: entered into a contract for the proper disposal of accumulated hazardous wastes; trained employees on hazardous waste management rules; counseled employees on the repercussions of future occurrences of non-compliance; properly recycled universal waste lamps; and established protocols for universal waste management and universal waste storage area. To resolve the violations, Keystone paid \$11,350 as a civil monetary penalty.

Oil:

Douglas R. Henderson, Easton, Maine. Douglas R. Henderson ("Henderson") violated the Department's *Rules for Underground Oil Storage Facilities* by failing to remove all liquids and sludge from an abandoned underground oil storage tank ("UST") and Maine's *Oil Discharge Prevention and Pollution Control* laws by discharging oil. Specifically, Henderson stored three excavated and abandoned USTs on a property owned by him. Henderson contracted with a metal recycling company to remove the USTs from his property. Upon moving one of the USTs, the UST rolled over and rapidly discharged its contents of oil to the ground. After the spill was reported by a neighbor to the Maine State Police, Department staff responded and observed a discharge of oil estimated to be in excess of 400 gallons. The Department undertook clean up of the spill, incurring investigation and clean up expenses in the amount of \$4,228.31. To resolve the violations, Henderson agreed to, in the future, immediately clean up and report any oil spills to the Department, reimburse the Department for its investigation and clean up expenses, and will pay a civil monetary penalty of \$1,800.

Springfield Terminal Railway Co., Maine Central Railroad Company, and Portland Terminal Company, South Portland, Waterville, Anson, Veazie, Orono, and Old Town, Maine. Springfield Terminal Railway Co.



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("STR"), Maine Central Railroad Company ("MCR"), and Portland Terminal Company ("PTC") violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* laws by discharging oil and by failing to immediately undertake to clean up prohibited discharges of oil. In addition, STR and PTC violated Maine's *Pollution Control* laws by discharging oil to the City of South Portland storm water system and subsequently a pond without a license or pretreatment agreement to do so and the *Oil Discharge Prevention and Pollution Control* laws by failing to reimburse investigation and clean up expenses incurred by the Maine Coastal and Inland Surface Oil Clean-up Fund. The violations relate to the discharge of oil to and from the Rigby Yard located in South Portland, the discharge of oil to the Waterville Yard located in Waterville, and the discharge of oil to track locations in Anson, Veazie, Orono, and Old Town. To resolve the violations, STR, MCR, and PTC agreed to: complete corrective actions specified in a Clean-up Order by Consent previously entered into by STR, PTC, and the Department; immediately identify all outdoor, uncovered areas in Maine where STR, MCR, or PTC anticipates that one or more locomotives under the custody or control of STR, MCR, or PTC are regularly parked, inactive, or idle for a period exceeding two consecutive hours or where locomotives are serviced or fueled and at these location install and maintain oil-absorbent "track mats" to provide for containment and collection of spilled oil; submit for Department review and comment a standard operating procedure describing a plan for inspection, maintenance, replacement, and disposal of oil-absorbent track mats; in the future immediately clean up and report oil spills to the Department; continue to monitor by inspection oil accumulated in the oil water separator at the Rigby Yard; reimburse the Maine Coastal and Inland Surface Oil Clean-up Fund for investigation and clean up costs in the amount of \$300,000; and will pay \$175,000 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location) (resolved during January 2010):

Land:

State of Maine, Department of Environmental Protection v. Vurle C. Jones and Denise E. Jones, Skowhegan, Maine. Vurle C. Jones and Denise E. Jones (hereinafter collectively "the Joneses") violated Maine's *Natural Resources Protection Act* by performing or causing to be performed dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials in, on, or over a protected natural resource without first obtaining a permit from the Department and by filling or causing to be filled a protected natural resource without first obtaining a permit from the Department. Specifically, the Joneses altered approximately 83,471 square feet of wetland by bulldozing, filling, dredging, and removal and displacement of soil and other materials. In addition, the Joneses violated Maine's *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, filling, displacing or exposing soil without implementing sufficient erosion controls to prevent erosion beyond the project site or into a protected natural resource. Specifically, at the time of Department inspections, there were no erosion and sedimentation controls where the freshwater wetland had been altered and no erosion and sedimentation controls were used in an area of the Joneses' property that had been bulldozed near a stream. To resolve the violations, the Joneses and the Department entered into a Judicial Settlement Order in which the Joneses agreed to: complete a restoration plan; complete the Department's "Basic and Advanced Erosion Control Practices" training; agreed to the identification of wetlands on the site for future permitting and compliance as identified in a wetlands delineation to be conducted by Department staff and the Maine State Soil Scientist; and will pay \$12,500 as a civil monetary penalty, of which \$3,500 is suspended and will be permanently waived provided that the Joneses comply with all provisions in the order.